

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

I. Claim Objections

Claim 14 stands objected to as allegedly being confusing. In response, claim 14 has been amended in accordance with the Examiner's suggestion.

Claims 15-22 stand objected to as allegedly containing improper claim language. In response, each of claims 15-22 has been amended to properly recite the Markush groups. See MPEP § 2173.05(h).

II. 35 USC § 112

Claims 1 and 8 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. The Office Action notes that the claims are unclear, as neither specifies if the compound of Formula I is also in the form of a liquid.

In response, claims 1 and 8 have been amended to specify that the compound of Formula I is present as a film on the surface of the negative electrode ,as supported in the present specification at page 3, lines 3-7.

II. 35 USC § 102

A. JP '757

Claims 1, 4-8 and 11-22 stand rejected under 35 USC § 102(b) as allegedly being anticipated by JP 07-192757.

However, the mechanism of stabilization taught by JP '757 is as follows:

[0009]

When non-aqueous electrolyte to which tricarboimide is added, is used, the tricarboimide will stabilize the non-aqueous electrolyte. This mechanism can be considered as follows. The lone electrode pair of the nitrogen atoms contained in the tricarboimide will surround the anions of the electrolyte.

[0010]

As the result, the probability that the anions of the electrolyte contact the solvent directly becomes low. Accordingly, the decomposition of the non-aqueous electrolyte will be prevented.

As is clear from the above, the tricarboimide of JP '757 exists as a form of liquid to provide the lone electron pair of the nitrogen atoms. In contrast, the compound of the present claims exists "a film on a surface of said negative electrode." Thus, the electrolyte of JP '757 differs from the presently claimed invention.

B. JP '765

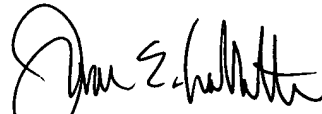
Claims 1-22 stand rejected under 35 USC § 102(a) as allegedly being anticipated by JP 2000-348765, having a publication date of December 15, 2000. However, as the rejected claims are fully supported by the priority document, i.e., JP 2000-162008, having been filed on May 31, 2000 (a translation is provided as Attachment hereto), Applicants respectfully submit that JP '765 is not a proper reference under 35 USC §102(a) against these claims.

III. Conclusion

In view of the above, Applicants respectfully request entry of the above amendments and passage of the application to allowance.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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